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**APPEAL BRIEF  
FEE TRANSMITTAL**

Attorney Docket No.	826.1664
Application Number	09/760,878
Filing Date	January 17, 2001
First Named Inventor	Takahiko KAWASHIMA, et al.
Group Art Unit	3625

AMOUNT ENCLOSED	0.00	Examiner Name	James H. Zurita
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**FEE CALCULATION (fees effective 2/01/07)**

CLAIMS AS AMENDED	Claims Remaining After Amendment	Highest Number Previously Paid For	Number Extra	Rate	Calculations
TOTAL CLAIMS	13	- 20 =	0	X \$ 50.00 =	\$ 0.00
INDEPENDENT CLAIMS	4	- 5 =	0	X \$ 200.00 =	0.00
Since a Notice Of Appeal was filed on December 20, 2006 and set an original due date of February 20, 2007 petition is hereby made for an extension to cover the date this reply is filed for which the requisite fee is enclosed (1 month (\$120)); (2 months (\$450)); (3 months (\$1,020)); (4 months (\$1,590)); (5 months (\$2,160));					0.00
If Appeal Brief is enclosed, add (\$500.00) (An appeal brief fee of \$500 being previously paid on July 25, 2006)					0.00
If Statutory Disclaimer under Rule 20(d) is enclosed, add fee (\$130.00)					
Information Disclosure Statement (Rule 1.17(p)) (\$180.00)					
Total of above Calculations =					\$
Reduction by 50% for filing by small entity (37 CFR 1.9, 1.27 & 1.28)					
TOTAL FEES DUE =					\$ 0.00

- (1) If entry (1) is less than entry (2), entry (3) is "0".  
(2) If entry (2) is less than 20, change entry (2) to "20".  
(4) If entry (4) is less than entry (5), entry (6) is "0".  
(5) If entry (5) is less than 3, change entry (5) to "3".

**METHOD OF PAYMENT**

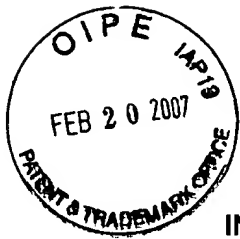
- ☐ Check enclosed as payment.  
☐ Charge "TOTAL FEES DUE" to the Deposit Account No. below.  
☒ No payment is enclosed.

**GENERAL AUTHORIZATION**

- ☒ If the above-noted "AMOUNT ENCLOSED" is not correct, the Commissioner is hereby authorized to credit any overpayment or charge any additional fees necessary to:  
Deposit Account No. 19-3935  
Deposit Account Name STAAS & HALSEY LLP
- ☒ The Commissioner is also authorized to credit any overpayments or charge any additional fees required under 37 CFR 1.16 (filing fees) or 37 CFR 1.17 (processing fees) during the prosecution of this application, including any related application(s) claiming benefit hereof pursuant to 35 USC § 120 (e.g., continuations/divisionals/CIPs under 37 CFR 1.53(b) and/or continuations/divisionals/CPAs under 37 CFR 1.53(d)) to maintain pendency hereof or of any such related application.

SUBMITTED BY: STAAS & HALSEY LLP

Typed Name	Paul W. Bobowiec	Reg. No.	47,431
Signature	<i>Paul W. Bobowiec</i>	Date	<i>February 20, 2007</i>



Docket No. 826.1664

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

Takahiko KAWASHIMA, et al.

Application No.: 09/760,878

Group Art Unit: 3625

Filed: January 17, 2001

Examiner: James H. Zurita

For: DOCUMENT MANAGING APPARATUS FOR MANAGING TRANSACTION SLIP DATA IN  
ELECTRONIC COMMERCE

**APPEAL BRIEF UNDER 37 CFR §41.37**

**Mail Stop Appeal Brief-Patents**

Commissioner for Patents  
PO Box 1450  
Alexandria, VA 22313-1450

Sir:

In a Notice of Appeal filed December 20, 2006, the applicant appealed the Examiner's rejections of claims 1-2 and 4-14 asserted in the Office Action mailed October 19, 2006, and with the requisite fee set forth in 37 CFR § 41.20(b)(2).

The due date for filing of the Appellant's Brief is February 20, 2007. The Appellant's Brief with the requisite fee set forth in 37 CFR § 1.17 is submitted herewith.

**I. REAL PARTY IN INTEREST**

The real party in interest is Fujitsu Limited, the assignee of the subject application.

## **II. RELATED APPEALS AND INTERFERENCES**

Appellant, Appellants' legal representatives, and assignee are not aware of any prior or pending appeals or interferences which directly affect or are directly affected by, or have a bearing, on the Board's decision in the pending appeal.

**III. STATUS OF CLAIMS**

Claims 1-2 and 4-14 are pending.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement and are on appeal.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention and are on appeal.

Claims 1-2 and 4-14 stand rejected under 35 U.S.C. §102(e) as being anticipated by Chang et al. (U.S.P. 6,584,459) (Chang) and are on appeal.

#### **IV. STATUS OF AMENDMENTS**

An Amendment, including a Substitute Specification, was filed March 29, 2005 (Amendment 1) in response to the Office Action mailed October 29, 2004 (previous Action 1).

An Amendment After Final Rejection, Request For Reconsideration, And Statement On Substance Of Interview was filed on November 28, 2005 (Amendment 2) in response to the Office Action mailed June 28, 2005 (previous Action 2). An Advisory Action was mailed on December 9, 2005 indicating that Amendment 2 would not be entered.

A Preliminary Amendment (Amendment 3) was filed in conjunction with a Request For Continued Examination in response to the Office Action mailed June 28, 2005 (previous Action 3).

An Office Action was mailed March 21, 2006 (previous Action 4).

A Notice of Appeal was filed May 25, 2006 (previous Notice of Appeal).

An Appeal Brief was filed on July 25, 2006 (previous Appeal Brief).

An Office Action was mailed October 19, 2006 (Office Action) indicating that prosecution is reopened.

No amendment has been filed subsequent to the rejection made on October 19, 2006.

## V. SUMMARY OF CLAIMED SUBJECT MATTER

The claimed invention in independent claim 1 recites a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device (see, for example, Fig. 3 and database device 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom (see, for example, Fig. 3 and data/transaction slip data extracting unit 202, paragraph [0024]). The apparatus of claim 1 also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, for example, Fig. 3 and database device 3, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit searching the management data 4 so as to extract the transaction slip data that is correlated with management data (see, for example, Fig. 3 and data/transaction slip data extracting unit 202, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit receiving the transmitted transaction slip data (see, for example, Fig. 3, Fig. 4, and Fig. 16 and receiving unit 1599, paragraphs [0024] and [0062]). Claim 1 also recites a converting unit converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3 and converting unit 16c and FIG 7, paragraphs [0037], and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3, Fig. 7 and Fig. 8, and paragraphs [0048]-[0053]).

The claimed invention in independent claim 6 recites a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data as a search item of a transaction slip data document therefrom (see, for example, Fig. 3 and Fig. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, for example, Fig. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so

as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, for example, Fig. 3 and Fig. 6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 9, Fig. 10, and Fig. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).

The claimed invention in independent claim 7 recites a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, for example, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, for example, paragraph [0062]).

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, for example, Fig. 3 and Fig. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, for example, Fig. 12, paragraph [0062]).

The claimed invention of independent claim 11 recites a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by extracting structure data as a search item of a document including transaction slip data (see, for example, Fig. 4 and S11). The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the



management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 7 and Fig. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).

**VI. GROUNDS OF REJECTION TO BE REVIEWED ON APPEAL**

The first ground of rejection to be reviewed is the rejection of claims 1-4 and 4-14 under 35 U.S.C. §112, first paragraph, as failing to comply with the written description requirement.

The second ground of rejection to be reviewed is the rejection of claims 1-4 and 4-14 under 35 U.S.C. §112, second paragraph, as failing to particularly point out and distinctly claim the subject matter which applicant regards as his invention. .

The third ground of rejection to be reviewed is the rejection of claims 1-2 and 4-14 under 35 U.S.C. §102(e) as being anticipated by (Chang). Claims are each independently patentable over the reference as set forth below, and do not stand or fall together.

## VII. ARGUMENT

All arguments are directed to the grounds of rejection. All citations to the "Office Action" refer to the last Office Action.

### 1. FIRST GROUND OF REJECTION

In the Office Action, the Examiner rejects claims 1-4 and 4-14 under 35 U.S.C. §112, first paragraph, "as failing to comply with the written description requirement." (Office Action at page 4). The Examiner asserts:

The claim(s) contains subject matter which was not described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

(Office Action at page 4, lines 4-8).

In support of the rejection referencing the previous Appeal Brief, the Examiner asserts:

Applicant cites alleged support from paragraphs 0033, 0034, 0050 and 0058 of his amended specifications of 29 March 2005. The cited paragraphs do not appear to support interpreting the claims as enabling extraction of XML tags, metadata.

(Emphasis added, Office Action at page 3, lines 20-22).

#### A. The Law Regarding the First Ground Of Rejection

As set forth in 35 U.S.C. §112, first paragraph:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

As set forth in the Manual Of Patent Examining Procedure (MPEP) (8th ed. Rev. 4 October 2005) §2163 entitled Standard for Determining Compliance With the Written Description Requirement:

The examiner has the initial burden of presenting by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. *Wertheim*, 541 F.2d at 263, 191 USPQ at 97. . . In rejecting a claim, the examiner must set forth express findings of fact regarding the above analysis which support the lack of written description conclusion. These findings should: (A) Identify the claim limitation at issue; and (B) Establish a *prima facie* case by providing reasons why a person skilled in the art at the time the application was filed would not have recognized that the inventor was in possession of the invention as claimed in view of the disclosure of the application as filed. A general allegation of "unpredictability in the art" is not a sufficient reason to support a rejection for lack of adequate written description.

(Emphasis added).

Further as set forth in MPEP §2163 entitled Compliance With the Written Description

**Requirement:**

The courts have described the essential question to be addressed in a description requirement issue in a variety of ways. An objective standard for determining compliance with the written description requirement is, "does the description clearly allow persons of ordinary skill in the art to recognize that he or she invented what is claimed." *In re Gosteli*, 872 F.2d 1008, 1012, 10 USPQ2d 1614, 1618 (Fed. Cir. 1989). Under *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991), to satisfy the written description requirement, an applicant must convey with reasonable clarity to those skilled in the art that, as of the filing date sought, he or she was in possession of the invention, and that the invention, in that context, is whatever is now claimed.

The test for sufficiency of support in a parent application is whether the disclosure of the application relied upon "reasonably conveys to the artisan that the inventor had possession at that time of the later claimed subject matter." *Ralston Purina Co. v. Far-Mar-Co., Inc.*, 772 F.2d 1570, 1575, 227 USPQ 177, 179 (Fed. Cir. 1985) (quoting *In re Kaslow*, 707 F.2d 1366, 1375, 217 USPQ 1089, 1096 (Fed. Cir. 1983)).

Whenever the issue arises, the fundamental factual inquiry is whether the specification conveys with reasonable clarity to those skilled in the art that, as of the filing date sought, applicant was in possession of the invention as now claimed. See, e.g., *Vas-Cath, Inc. v. Mahurkar*, 935 F.2d 1555, 1563-64, 19 USPQ2d 1111, 1117 (Fed. Cir. 1991).

**B. Errors in Examiner's Assertions**

Appellant submits that errors in the Examiner's assertions include:

1) The Examiner has not presented, as required, by a preponderance of evidence why a person skilled in the art would not recognize in an applicant's disclosure a description of the invention defined by the claims. The Examiner's assertion that paragraphs cited by the Appellant "do not appear to support interpreting the claims" does not even approach meeting the required standard for presentation of a preponderance of evidence in support of the rejection.

2) The Examiner has not set forth, as required, express findings of fact regarding an analysis that supports the lack of written description conclusion. The Examiner's assertion that paragraphs cited by the Appellant "do not appear to support interpreting the claims" does not even approach meeting the required standard for presentation of express findings of fact.

Appellant submits that a description of the invention complying with requirements of 35 U.S.C. §112, first paragraph is adequately provided in the specification so as to be recognized by one of ordinary skill in the art. A general description of an aspect of the present invention is provided in paragraph [0022] which discusses:

When an electronic data exchanging process is performed in inter-company electronic commerce, transaction slip data is searched for particular element

data as a search object. Thus, when transaction slip data is stored, element data as a search object is pre-stored to a management data area. As a result, when required transaction slip data is extracted in the electronic data exchanging process, the searching process is performed for only data stored in the management data area rather than all the transaction slip data. Thus, the searching process can be performed at high speed.

Paragraph [0066] summarizes, so as to be recognized by one of ordinary skill in the art, that:

According to the present invention, a document structure of data elements to be searched is extracted from a document structure of a document including transaction slip data. Management data and content data are stored in different documents. The management data and the content data are linked with a document identifier. Since only management data is searched, the searching process can be effectively performed. In addition, since the structure of management data can be easily changed corresponding to the content of the electronic data exchanging process, a document managing function corresponding to the structure of the system can be provided.

Recited terms are defined within the specification so as to be recognized by one of ordinary skill in the art.

For example, the term "content data" is defined in paragraph [0025] as data "stored in an XML document used in the inter-company electronic commerce."

The term "management data" is defined in paragraph [0025] as "data contained in an XML document that includes information (for example, order issuer information, order acceptor information, and transaction slip data type) that is frequently referenced from the content data during a electronic data exchanging process of inter-company electronic commerce."

Further, details of the invention are adequately presented so as to be recognized by one of ordinary skill in the art.

An overall block view of present invention is illustrated, for example, in Fig. 3, Fig. 7, Fig. 8, and Fig. 16 and appropriately discussed in paragraphs [0032]-[0047].

A transaction slip data storing process of a database managing module is illustrated, for example, in Fig. 4 and discussed in paragraphs [0028]-[0029].

A flow chart showing a content data extracting process of the database managing module is illustrated, for example, in Fig. 5 and discussed in paragraphs [0030]-[0031].

A storage of management data and content data stored in a database device is illustrated, for example, in Fig. 6 and discussed in paragraphs [0032]-[0034].

A transaction slip data format converting is illustrated, for example, in Fig. 9, Fig. 10, and

Fig. 11 and discussed in paragraphs [0048]-[0053].

A content data transferring process is illustrated, for example, in Figs 12-13 and discussed in paragraphs 53-56.

Appellant submits that the specification does contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the same.

Further, each of the claims recite subject matter that is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s) possess the invention.

### **1) Claim 1**

The specification describes the claimed invention recited by independent claim 1 of a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device 3 (see, for example, Fig. 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit 202 extracting structure data as a search item of the document including transaction slip data therefrom (see, for example, Fig. 3, paragraph [0024]). The apparatus of claim 1 also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, for example, Fig. 3, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit 202 searching the management data so as to extract the transaction slip data that is correlated with management data (see, for example, Fig. 3, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit 1599 receiving the transmitted transaction slip data (see, for example, Fig. 3, Fig. 4, and Fig. 16, paragraphs [0024] and [0062]). Claim 1 also recites a converting unit 16c converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3 and FIG 7, paragraphs [0037], and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the

order acceptor 16 (see, for example, Fig. 3, Fig. 7 and Fig. 8, and paragraphs [0048]-[0053]).

The subject matter of claim 1 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

## **2) Claim 2**

The specification supports claim 2 recitation of a managing apparatus wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween (see, for example, Fig. 4 and paragraph [0029]).

The subject matter of claim 2 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

## **3) Claim 4**

The specification supports the claimed invention in dependent claim 4 that recites a managing apparatus wherein the designation of a search item as the management data is changeable by a user (see, for example, paragraph [0064]). The subject matter of claim 4 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

## **4) Claim 5**

The specification supports the claimed invention in dependent claim 4 that recites a managing apparatus wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document. (see, for example, Fig. 15, paragraphs [0011] and [0060]). The subject matter of claim 5 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

## **5) Claim 6**

The specification supports the claimed invention in independent claim 6 that recites a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data

as a search item of a transaction slip data document therefrom (see, for example, Fig. 3 and Fig. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, for example, Fig. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, for example, Fig. 3 and Fig. 6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 9, Fig. 10, and Fig. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).

The subject matter of claim 6 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

## **6) Claim 7**

The specification supports the claimed invention in independent claim 7 that recites a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, for example, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, for example, paragraph [0062]).

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, for example, Fig. 3 and Fig. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further



recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, for example, Fig. 12, paragraph [0062]).

The subject matter of claim 7 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **7) Claim 8**

The specification supports the claimed invention in dependent claim 8 that recites a method further changing the structure data of a document to be considered including the management data. (See, for example, paragraphs [0057]-[0060]).

The subject matter of claim 8 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **8) Claim 9**

The specification supports the claimed invention in dependent claim 9 that recites a method wherein the transaction slip data is included in an XML document. (See, for example, paragraphs [0057]-[0060]).

The subject matter of claim 9 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **9) Claim 10**

The specification supports the claimed invention in dependent claim 10 that recites a method wherein a target of a search is changed by changing the extracting regarding a tag of the XML document (See, for example, paragraphs. [0057]-[0060]).

The subject matter of claim 10 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **10) Claim 11**

The specification supports the claimed invention of independent claim 11 that recites a computer-readable medium storing a program to perform managing transaction slip data used in

electronic commerce, by extracting structure data as a search item of a document including transaction slip data. The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 7 and Fig. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16. (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).

The subject matter of claim 11 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **11) Claim 12**

The specification supports claim 12 that recites a computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data. (See, for example, paragraphs [0057]-[0060]).

The subject matter of claim 12 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

#### **12) Claim 13**

The specification supports claim 13 that recites a computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document. (See, for example, Fig. 15, paragraphs [0011] and [0060]).

The subject matter of claim 13 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**13) Claim 14**

The specification supports claim 14 that recites a computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document. (See, for example, paragraph [0060]).

The subject matter of claim 14 is described in the specification in such a way as to reasonably convey to one skilled in the relevant art that the inventor(s), at the time the application was filed, had possession of the claimed invention.

**Summary**

Claims 1-2 and 4-14 comply with 35 U.S.C. §112, first paragraph and the rejections should be withdrawn.

Further, the Examiner's assertions do not meet the required standards to support a 35 U.S.C. §112, first paragraph rejection and the rejections should be withdrawn.

## 2. SECOND GROUND OF REJECTION

In the Office Action, the Examiner rejects claims 1-4 and 4-14 under 35 U.S.C. §112, second paragraph," as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention." (Office Action at page 4, lines 9-11).

### A. The Law Regarding the Issues related by the Examiner

As set forth in 35 U.S.C. §112, second paragraph:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

As set forth in MPEP §2173.01:

The test for definiteness under 35 U.S.C. 112, second paragraph, is whether "those skilled in the art would understand what is claimed when the claim is read in light of the specification." *Orthokinetics, Inc. v. Safety Travel Chairs, Inc.*, 806 F.2d 1565, 1576, 1 USPQ2d 1081, 1088 (Fed. Cir. 1986).

Further as set forth in the MPEP §2173.01:

A fundamental principle contained in 35 U.S.C. 112, second paragraph is that applicants are their own lexicographers. They can define in the claims what they regard as their invention essentially in whatever terms they choose so long as \*\*>any special meaning assigned to a term is clearly set forth in the specification. See MPEP § 2111.01.< Applicant may use functional language, alternative expressions, negative limitations, or any style of expression or format of claim which makes clear the boundaries of the subject matter for which protection is sought. As noted by the court in *In re Swinehart*, 439 F.2d 210, 160 USPQ 226 (CCPA 1971), a claim may not be rejected solely because of the type of language used to define the subject matter for which patent protection is sought. . . . Accordingly, a claim term that is not used or defined in the specification is not indefinite if the meaning of the claim term is discernible. *Bancorp Services, L.L.C. v. Hartford Life Ins. Co.*, 359 F.3d 1367, 1372, 69 USPQ2d 1996, 1999-2000 (Fed. Cir. 2004) . . . if the language used by applicant satisfies the statutory requirements of 35 U.S.C. 112, second paragraph, but the examiner merely wants the applicant to improve the clarity or precision of the language used, the claim must not be rejected under 35 U.S.C. 112, second paragraph, rather, the examiner should suggest improved language to the applicant.

### B. Errors in Examiner's Assertions

Appellant submits that errors in the Examiner's assertions include:

1) Claims as currently written particularly point out and distinctly claim the subject matter in such a manner as those skilled in the art would understand what is claimed when the claim is read in light of the specification.

2) The Examiner asserts claims 1-2 and 4-14 are indefinite and do not distinctly claim

subject matter which the applicant regards as the invention. However, the Examiner then lists the Examiner's interpretation of the claims for the purposes of further examination. (Action at page 4, lines 13-29). That is, the Examiner appears to indicate the Examiner understands what is claimed when the claim is read in light of the specification, and therefore the Examiner's rejection of claims 1-2 and 4-14 as indefinite is not in meeting with the test of definiteness of 35 U.S.C. §112, second paragraph.

### **1) Claim 1**

Independent claim 1 particularly points out and distinctly claims a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device 3 (see, for example, Fig. 3, paragraph [0024]). The apparatus of claim 1 includes a data extracting unit 202 extracting structure data as a search item of the document including transaction slip data therefrom (see, for example, Fig. 3, paragraph [0024]). The apparatus of claim 1 also includes a storing unit storing the structure data extracted by said data extracting unit 202 as management data 4 that is correlated with the transaction slip data 1 (see, for example, Fig. 3, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]).

Claim 1 also recites a transaction slip data extracting unit 202 searching the management data so as to extract the transaction slip data that is correlated with management data (see, for example, Fig. 3, Fig. 5, and Fig. 16, paragraphs [0024], [0030], and [0031]). The claimed invention in claim 1 also recites a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit 202 and a receiving unit 1599 receiving the transmitted transaction slip data (see, for example, Fig. 3, Fig. 4, and Fig. 16, paragraphs [0024] and [0062]). Claim 1 also recites a converting unit 16c converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3 and FIG 7, and paragraphs [0037] and [0048]-[0053]).

Claim 1 also includes wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3, Fig. 7 and Fig. 8, and paragraphs [0048]-[0053]).

Claim 1 distinctly recites features so that those skilled in the art would understand what is claimed when claim 1 is read in light of the specification.

**2) Claim 2**

Claim 2 particularly points out and distinctly claims a managing apparatus wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween (see, for example, Fig. 4, paragraph [0029]).

Claim 2 distinctly recites features so that those skilled in the art would understand what is claimed when claim 2 is read in light of the specification.

**3) Claim 4**

Dependent claim 4 particularly points out and distinctly claims a managing apparatus wherein the designation of a search item as the management data is changeable by a user (see, for example, for example, paragraph [0064]).

Claim 4 distinctly recites features so that those skilled in the art would understand what is claimed when claim 4 is read in light of the specification.

**4) Claim 5**

Dependent claim 5 particularly points out and distinctly claims a managing apparatus wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document. (See, for example, Fig. 15, paragraphs [0011] and [0060]).

Claim 5 distinctly recites features so that those skilled in the art would understand what is claimed when claim 5 is read in light of the specification.

**5) Claim 6**

Independent claim 6 particularly points out and distinctly claims a computer-readable medium 1510 storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by extracting structure data as a search item of a transaction slip data document therefrom (see, for example, Fig. 3 and Fig. 16). The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data 1 used in electronic commerce by further storing the structure data extracted as management data 4 in correlation with the transaction slip data 1 (see, for example, Fig. 6, paragraphs [0025], and [0032]-[0034]). Claim 6 further recites searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data (see, for example, Fig. 3 and Fig.

6, paragraph [0025]).

The computer-readable medium storing a program recited by claim 6 causes a computer as an information apparatus to manage transaction slip data used in electronic commerce by further converting a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 9, Fig. 10, and Fig. 11, paragraphs [0048]-[0053]). Claim 6 further recites wherein the first format of the received transaction slip data 1 is useable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in an electronic business transaction between the order issuer 11 and the order acceptor 12 without requiring a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).

Claim 6 distinctly recites features so that those skilled in the art would understand what is claimed when claim 6 is read in light of the specification.

#### **6) Claim 7**

Independent claim 7 particularly points out and distinctly claims a method of managing transaction slip data used in electronic commerce. The claimed invention in claim 7 further recites extracting structure data as a search item of a document including transaction slip data 1 therefrom (see, for example, FIGs. 10 and 12, paragraph [0050] and [0055]). The method according to claim 7 recites storing the extracted structure data in a memory 3 as management data 4 that is correlated with the transaction slip data (see, for example, paragraph [0062]).

Claim 7 further recites searching the stored management data 4 so as to extract transaction slip data that is correlated with the management data and transmitting the extracted transaction slip data 7 over a network 1506 and receiving the transmitted transaction slip data. (see, for example, Fig. 3 and Fig. 16). The method according to claim 7 recites converting a first format of the received transaction slip data 1 into a second format based on a transmission destination. Claim 7 further recites wherein the first format of the received transaction slip data is usable by an order issuer 11 and the second format based on a transmission destination is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 11 and the order acceptor 12 (see, for example, Fig. 12, paragraph [0062]).

Claim 7 distinctly recites features so that those skilled in the art would understand what is claimed when claim 7 is read in light of the specification.

#### **7) Claim 8**

Dependent claim 8 particularly points out and distinctly claims a method further changing the

structure data of a document to be considered including the management data. (See, for example, paragraphs [0057]-[0060]).

Claim 8 distinctly recites features so that those skilled in the art would understand what is claimed when claim 8 is read in light of the specification.

#### **8) Claim 9**

Dependent claim 9 particularly points out and distinctly claims a method wherein the transaction slip data is included in an XML document. (See, for example, paragraphs [0057]-[0060]).

Claim 9 distinctly recites features so that those skilled in the art would understand what is claimed when claim 9 is read in light of the specification.

#### **9) Claim 10**

Dependent claim 10 particularly points out a method wherein a target of a search is changed by changing the extracting regarding a tag of the XML document (See, for example, paragraphs [0057]-[0060]).

Claim 10 distinctly recites features so that those skilled in the art would understand what is claimed when claim 10 is read in light of the specification.

#### **10) Claim 11**

Independent claim 11 particularly points out and distinctly claims a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by extracting structure data as a search item of a document including transaction slip data. The computer-readable medium storing a program according to claim 11 performs managing transaction slip data used in electronic commerce, by further storing the extracted structure data as management data that is correlated with the transaction slip data and searching the management data so as to extract the transaction slip data that is correlated with management data.

Claim 11 further recites transmitting the extracted transaction slip data, receiving the transmitted transaction slip data, and converting (S32) a first format of the received transaction slip data 1 into a second format based on a transmission destination (see, for example, Fig. 3, Fig. 7 and Fig. 11). According to claim 11 the first format of the received transaction slip data is used by an order issuer 11 and the second format is based on a transmission destination that is useable by an order acceptor 12 in electronic business without a tailoring of servers of the order issuer 14 and the order acceptor 16 (see, for example, Fig. 3 and Fig. 7, paragraphs [0037]-[0043]).



Claim 11 distinctly recites features so that those skilled in the art would understand what is claimed when claim 11 is read in light of the specification.

**11) Claim 12**

Claim 12 particularly points out and distinctly claims a computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data. (see, for example, paragraphs [0057]-[0060]).

Claim 12 distinctly recites features so that those skilled in the art would understand what is claimed when claim 12 is read in light of the specification.

**12) Claim 13**

Claim 13 particularly points out and distinctly claims a computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document. (see, for example, Fig. 15, paragraphs [0011] and [0060]).

Claim 13 distinctly recites features so that those skilled in the art would understand what is claimed when claim 13 is read in light of the specification.

**13) Claim 14**

Claim 14 particularly points out and distinctly claims a computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document. (See, for example, paragraph [0060]).

Claim 14 distinctly recites features so that those skilled in the art would understand what is claimed when claim 14 is read in light of the specification.

**Summary**

Claims 1-2 and 4-14 comply with 35 U.S.C. §112, second paragraph and the rejection should be withdrawn.

Further, the Examiner's assertions do not meet the required standards to support a 35 U.S.C. §112, second paragraph rejection and the rejections should be withdrawn.

### 3. THIRD GROUND OF REJECTION

In the Office Action, the Examiner rejects claims 1-2 and 4-14 under 35 U.S.C. §102(e) as being unpatentable over Chang.

#### A. The Law Regarding the Third Ground Of Rejection

To establish anticipation under §102, the reference relied on in support of the rejection must teach every element of the claim. See Manual of Patent Examining Procedure §2131 (8th ed. Rev. Oct 2005 ("MPEP")); *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987).

#### B. The Cited Art

Chang is directed to an XML extender for a computer-implemented relational database system for storing, querying, and retrieving structured documents. Chang provides an application for storing XML documents in existent or newly created columns of a relational database table or in external files. Chang also provides an application for searching XML documents using SQL structure queries.

#### C. Errors in the Examiner's Assertions In Support Of The Rejection

##### a. Claim 1

Claim 1 recites a managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device including "a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom; a storing unit storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data; a transaction slip data extracting unit searching the management data so as to extract the transaction slip data that is correlated with management data; a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit; a receiving unit receiving the transmitted transaction slip data; and a converting unit converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor. (emphasis added)."

Chang does not teach "extracting structure data as a search item of the document including

transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

That is, Chang merely teaches taking out data contained in an XML document, and converting the data into that of a database-storage format and conducting a search of the data thus taken out.

#### **a.1 Examiner errs in interpreting claims of the present invention**

The Examiner's interpretation of the claims in support of the rejection of claim 1 is incorrect. The Examiner asserts the claims will be interpreted as being directed to:

Receiving, at a central location, an input record (from a buyer, for example) that has a header portion and a "record" (i.e., detail) portion (Fig. 2). Each portion has data that is embedded in XML tags that define the structure of an XML DTD.

For each input record,

Extracting the embedded data from the header portion, storing it as "management" data;

Extracting the embedded data from the record portion and storing it as "transaction" data;

Correlating the management data and transaction data with a common identifier.

Searching stored management data for particular contents (e.g., for company P, a buyer, as in Fig. 9)

For each record retrieved in the search of management data,

Obtaining the related transaction data via the common identifier.

Formatting the related transaction data into a format compatible with an intended recipient (e.g., a particular seller) according to conversion parameters.

(Office Action at page 4, lines 13-28).

That is, the Examiner asserts that claim 1 merely recites extracting the embedded data from the header portion and storing it as "management" data and extracting the embedded data from the

record portion and storing it as "transaction" data.

Appellant submits the Examiner errs in this interpretation. The Examiner appears to ignore, for example, the recited features of extracting "structure" data as storing the "structure" and extracting "transaction slip data" that is correlated with management data.

As discussed in paragraph [0066] "According to the present invention, a document structure of data elements to be searched is extracted from a document structure of a document including transaction slip data (emphasis added).

Fig. 6 of the present application, for example, illustrates "management data and content data stored in a database device" and includes document structure. As discussed, for example, in paragraphs [0033]-[0034] :

As shown in Figs. 4 and 5, when transaction slip data is stored to a database device, if the transaction slip data is divided into management data 4 and content data 5 and separately stored to the database device, the database device can be searched for only the management data 4 that matches a search condition as shown in Fig. 6.

In other words, it is not necessary to search all the transaction slip data. Thus, the searching process can be performed at a high speed. Even if a large amount of transaction slip data is stored in the data managing module 2 of an order issuer server or an order acceptor server, transaction slip data necessary for the electronic data exchanging process can be effectively searched.

As further discussed, for example, in paragraph [0050]:

In the case that conversion tables 711 to 71n that contain transaction slip data format converting rules between transaction slip data of order issuers and transaction slip data of order acceptors and a conversion process controlling table 701 that correlates the conversion tables 711 to 71n and combinations of an order issuer code that identifies an order issuer in transaction slip data, an order acceptor code that identifies an order acceptor therein, a transaction slip data type that identifies the type of transaction slip data such as an estimate slip or an order slip are used in the system shown in Fig. 8, when a system that defines management data document structure information shown in Fig. 10 is used, the content of the converting process can be determined and executed with keys of the order acceptor code, the order issuer code, and the transaction slip data type as shown in Fig. 11. In Fig. 10, the system uses a format described in DTD (Document Type Definitions) of the XML as the management data document structure information.

and, for example, as discussed in paragraph [0058]:

When each section of a company settles transaction slip data, each section should search transaction slip data with a key of a code that identifies each section. In the structure shown in Fig. 14, transaction slip data for sections X, Y, and Z should be extracted. Thus, in the system shown in Fig. 14, a front end server device 1201 that has the same function as an order acceptor server or an

order issuer server is connected to the order acceptor server device 41 and order acceptor browsers of sections X, Y, and Z. Management data document structure information containing a section code shown in Fig. 15 is defined as management data document structure information of the front end server device 1201. In Fig. 15, as the management data, besides an order issuer code, an order acceptor code, and a slip data type, an order acceptor company section code is registered.

(Emphasis added).

### **a.2 Examiner's Interpretation of Chang is Incorrect**

The Examiner asserts that Chang teaches:

extracting structure data as a search item of the transaction slip data document therefrom. See, for example, at least Col. 20, lines 1-50. For transaction detail information extracted, see, for example, at least Col. 5, line 50-Col. 6, line 15. Detail transaction data includes price, publication date, for example.

storing the structure data extracted as management data in correlation with the transaction data; see, for example, at least Col. 20, line 55-Col. 21, line 15. See also management data, such as publisher, as in Col. 5.

searching the management data so as to extract correlated transaction slip data. See at least Col. 7, lines 45-67, Col. 21, line 16-Col. 22, line 40, Col. 23, line 52-Col. 25, line 60.

transmitting the transaction slip data extracted [in the search step] over a network. See at least sending results to interfaces, at least Col. 5, line 12-Col. 6, line 45.

receiving the transmitted slip data. See, for example, at least Figs. 1, 2 and related text, and references to various units that receive transmitted detail data.

converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein

the first format of the received transaction slip data is usable by an order issuer (buyer) and the second format based on a transmission destination is usable by an order acceptor (seller) in an electronic business transaction between the order requiring a tailoring of servers of the order issuer and the order acceptor. See, for example, Fig. 2, DB2 XML extender, which converts issuer and order acceptor without data to and from formats used by other systems and parties.

(Office Action at page 5, line 8, - page 6, line 12).

Appellant submits the Examiner's interpretation of Chang is incorrect. Chang does not teach "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is

useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

Thus, the rejection is incorrect since features recited by claim 1 are not taught by Chang. Therefore it is submitted that claim 1 patentably distinguishes over the prior art and the Examiner's rejection was incorrect.

#### **b. Claim 6**

The Examiner rejects claim 6 on the same grounds as claim 1. As discussed in Section VII. 3. C. a. regarding errors in the Examiner's rejection of claim 1, Appellant submits that the Examiner makes similar errors in the rejection of claim 6.

Independent claim 6 recites a computer-readable medium storing a program that causes a computer as an information apparatus to manage transaction slip data used in electronic commerce, by: "extracting structure data as a search item of a transaction slip data document therefrom; storing the structure data extracted as management data in correlation with the transaction slip data; searching the management data so as to extract the correlated transaction slip data; transmitting the transaction slip data extracted; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

That is, Chang merely teaches taking out data contained in an XML document, and converting the data into that of a database-storage format and conducting a search of the data thus taken out.

Thus, the rejection is incorrect since features recited by claim 6 are not taught by Chang. Therefore, it is submitted that claim 6 patentably distinguishes over the prior art and the Examiner's rejection was incorrect.

### c. Claim 7

The Examiner rejects claim 7 on the same grounds as claim 1. As discussed in Section VII. 3. C. a. regarding errors in the Examiner's rejection of claim 1, Appellant submits that the Examiner makes similar errors in the rejection of claim 7.

Independent claim 7 recites a method of managing transaction slip data used in electronic commerce, comprising: "extracting structure data as a search item of a document including transaction slip data therefrom; storing the extracted structure data in a memory as management data that is correlated with the transaction slip data; searching the stored management data so as to extract transaction slip data that is correlated with management data; and transmitting the extracted transaction slip data over a network; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is usable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach a method "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a method converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the

order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML documents internally within the DB2.RTM."

Thus, the rejection is incorrect since features recited by claim 7 are not taught by Chang. Therefore, it is submitted that claim 7 patentably distinguishes over the prior art and the Examiner's rejection was incorrect.

#### **d. Claim 11**

The Examiner rejects claim 7 on the same grounds as claim 1. As discussed in Section VII. 3. C. a. regarding errors in the Examiner's rejection of claim 1, Appellant submits that the Examiner makes similar errors in the rejection of claim 7.

Independent claim 11 recites a computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by: "extracting structure data as a search item of a document including transaction slip data; storing the extracted structure data as management data that is correlated with the transaction slip data; searching the management data so as to extract the transaction slip data that is correlated with management data; and transmitting the extracted transaction slip data; receiving the transmitted transaction slip data; and converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is used by an order issuer and the second format is based on a transmission destination that is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor."

Chang does not teach a medium "extracting structure data as a search item of the document including transaction slip data therefrom; (and) storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data. (emphasis added)."

Chang also does not teach a medium converting so a "first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor (emphasis added)."

Rather, Chang merely teaches (see, for example, col. 7, starting at line 45) a converting of "UDFs 144 convert XML files into a storage format with predefined attribute values, storing XML



documents internally within the DB2.RTM."

Thus, the rejection is incorrect since features recited by claim 11 are not taught by Chang. Therefore, it is submitted that claim 11 patentably distinguishes over the prior art and the Examiner's rejection was incorrect.

**e. Claim 2, 4, and 5**

As recited in claim 2, the managing apparatus of claim 1 includes "wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween."

As recited in claim 4, the managing apparatus of claim 1 includes "wherein the designation of a search item as the management data is changeable by a user."

As recited in claim 5, the managing apparatus of claim 1 includes a managing apparatus "wherein the document including transaction slip data is an XML document, and wherein a search item is changed by changing the designation of an extraction of an item corresponding to a tag of the XML document

Claims 2, 4, and 5 are patentable over the cited art for reasons similar to those discussed above for claim 1. Chang does not teach these features of claims 2, 4, and 5 and thus, it is submitted that the rejection of claims 2, 4, and 5 should be reversed.

**f. Claims 8, 9, and 10**

As recited in claim 8, the method of claim 7 further includes "changing the structure data of a document to be considered including the management data."

As recited in claim 9, the method of claim 7 further includes "wherein the transaction slip data is included in an XML document."

As recited in claim 10, the method of claim 7 further includes "wherein a target of a search is changed by changing the extracting regarding a tag of the XML document."

Claims 8, 9, and 10 are patentable over the cited art for reasons similar to those discussed above for claim 7. Chang does not teach these features of claims 8, 9, and 10 and thus, it is submitted that the rejection of claims 8, 9, and 10 should be reversed.

**g. Claims 12, 13, and 14**

As recited in claim 12, the computer-readable medium method of claim 11 further includes "changing the structure data of a document to be considered including management data."

As recited in claim 13, the computer-readable medium method of claim 11 further includes "wherein the document including transaction slip data is an XML document."

As recited in claim 14, the computer-readable medium method of claim 11 further includes "wherein a target of a search is changed by changing the extracting regarding a tag of the XML document."

Claims 12, 13, and 14 are patentable over the cited art for reasons similar to those discussed above for claim 11. Chang does not teach these features of claims 12, 13, and 14 and thus, it is submitted that the rejection of claims 12, 13, and 14 should be reversed.

### **Summary**

Claims 1-2 and 4-14 patentably distinguish over the prior art and the rejections should be withdrawn.

### VIII. CONCLUSION

Appellant submit that claims 1-2 and 4-14 comply with 35 U.S.C. §112, first and second paragraphs and patentably distinguish over the prior art. Reversal of the Examiner's rejections is respectfully requested.

The Commissioner is hereby authorized to charge any additional fees required in connection with the filing of this Appeal Brief to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS & HALSEY LLP

Date: February 20, 2007

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**IX: CLAIMS APPENDIX**

1. A managing apparatus for managing a document including transaction slip data used in electronic commerce with a database device, comprising:

a data extracting unit extracting structure data as a search item of the document including transaction slip data therefrom;

a storing unit storing the structure data extracted by said data extracting unit as management data that is correlated with the transaction slip data;

a transaction slip data extracting unit searching the management data so as to extract the transaction slip data that is correlated with management data;

a transmitting unit transmitting the transaction slip data extracted by said transaction slip data extracting unit;

a receiving unit receiving the transmitted transaction slip data; and

a converting unit converting a first format of the received transaction slip data into a second format based on a transmission destination,

wherein the first format of the received transaction slip data is useable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in an electronic business transaction between the order issuer and the order acceptor without requiring a tailoring of servers of the order issuer and the order acceptor.

2. The managing apparatus as set forth in claim 1,

wherein the correlation between the management data and the transaction slip data is managed with a document identifier (S15) that is common therebetween.

3. (CANCELLED)

4. The managing apparatus as set forth in claim 1, wherein the designation of a

search item as the management data is changeable by a user.

5. The managing apparatus as set forth in claim 4,  
wherein the document including transaction slip data is an XML document, and  
wherein a search item is changed by changing the designation of an extraction of an item  
corresponding to a tag of the XML document.

6. A computer-readable medium storing a program that causes a computer as an  
information apparatus to manage transaction slip data used in electronic commerce, by:  
extracting structure data as a search item of a transaction slip data document therefrom;  
storing the structure data extracted as management data in correlation with the  
transaction slip data;  
searching the management data so as to extract the correlated transaction slip data;  
transmitting the transaction slip data extracted;  
receiving the transmitted transaction slip data; and  
converting a first format of the received transaction slip data into a second format based  
on a transmission destination, wherein the first format of the received transaction slip data is  
useable by an order issuer and the second format based on a transmission destination is  
useable by an order acceptor in an electronic business transaction between the order issuer and  
the order acceptor without requiring a tailoring of servers of the order issuer and the order  
acceptor.

7. A method of managing transaction slip data used in electronic commerce,  
comprising:  
extracting structure data as a search item of a document including transaction slip data  
therefrom;

storing the extracted structure data in a memory as management data that is correlated with the transaction slip data;

searching the stored management data so as to extract transaction slip data that is correlated with management data; and

transmitting the extracted transaction slip data over a network;

receiving the transmitted transaction slip data; and

converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is usable by an order issuer and the second format based on a transmission destination is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor.

8. The method according to claim 7, further comprising changing the structure data of a document to be considered including the management data.

9. The method according to claim 7, wherein the transaction slip data is included in an XML document.

10. The method according to claim 9, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document.

11. A computer-readable medium storing a program to perform managing transaction slip data used in electronic commerce, by:

extracting structure data as a search item of a document including transaction slip data;

storing the extracted structure data as management data that is correlated with the transaction slip data;

searching the management data so as to extract the transaction slip data that is correlated with management data; and

transmitting the extracted transaction slip data;

receiving the transmitted transaction slip data; and

converting a first format of the received transaction slip data into a second format based on a transmission destination, wherein the first format of the received transaction slip data is used by an order issuer and the second format is based on a transmission destination that is useable by an order acceptor in electronic business without a tailoring of servers of the order issuer and the order acceptor.

12. The computer-readable medium according to claim 11, further comprising changing the structure data of a document to be considered including management data.

13. The computer-readable medium according to claim 11, wherein the document including transaction slip data is an XML document.

14. The computer-readable medium according to claim 13, wherein a target of a search is changed by changing the extracting regarding a tag of the XML document.

15. (WITHDRAWN) A method of managing transaction slip data used in electronic commerce, comprising:

extracting data as a search item of a document including transaction slip data therefrom by an order issuer;

storing the extracted data as management data that is correlated with the transaction slip data;

searching the stored management data so as to extract transaction slip data that is

correlated with management data; and

transmitting the extracted transaction slip data over a network; and

converting the format of received transaction slip data into a format based on a format used by an order acceptor; and

transmitting the converted transaction slip data to the order acceptor over the network.



**X. EVIDENCE APPENDIX**

None.

**XI. RELATED PROCEEDINGS APPENDIX(37 CFR § 41.37(c)(1)(x))**

None